

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-02193-SVW-SSC Date: July 15, 2024

Title Reshma Kamath v. Elwood Lui, et al.

Present: The Honorable Stephanie S. Christensen, U.S. Magistrate Judge

<u>Teagan Snyder</u>	<u>n/a</u>
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
None Present	None Present

**Proceedings: (IN CHAMBERS) Order Denying Request for
Extension of Time (ECF 23) and Order to Show
Cause Why Action Should Not Be Dismissed**

On November 22, 2023, attorney Plaintiff Reshma Kamath acting *pro se* filed a civil rights complaint under 42 U.S.C. § 1983 (ECF 1), followed by a first amended complaint on April 1, 2024 (ECF 15).

On May 1, 2024, Defendants filed a motion to dismiss the first amended complaint. (ECF 18.) The Court set a deadline of May 24, 2024, for Plaintiff to file any opposition to the motion to dismiss. (ECF 19.) On May 24, 2024, Plaintiff filed a request for extension of time until July 3, 2024, to file her opposition. (ECF 20.) Over Defendants' objection, the Court granted Plaintiff's request for an extension of the deadline and ordered Plaintiff to file her opposition no later July 3, 2024. (ECF 22.) The Court cautioned Plaintiff that "[n]o further extensions of time to file this opposition will be granted." (*Id.*) On July

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4, 2024, a day after the deadline for Plaintiff to file her opposition, she filed a second request for extension of the deadline to file an opposition to the motion to dismiss, requesting an extension of the filing deadline to July 12, 2024. (ECF 23.) The reason for the extension request was deadlines she faced in other legal cases.

IT IS ORDERED that Plaintiff's belated request for extension of time (ECF 23) is **DENIED**. As stated above, the Court advised Plaintiff in its May 29, 2024, order extending the filing deadline to July 3, 2024, that no additional extensions of time to file Plaintiff's opposition to the motion to dismiss would be granted. In addition, Plaintiff did not file this request for an extension of time until one day after the previously set deadline for filing her opposition. Further, in the belated extension request, Plaintiff asked to have until July 12, 2024, to file her opposition. That date has passed and Plaintiff still has not filed an opposition to the motion to dismiss.

Plaintiff is ORDERED TO SHOW CAUSE, in writing, by **July 25, 2024**, why Defendants' motion to dismiss should not be granted and/or this action dismissed for Plaintiff's failure to prosecute and comply with Court orders. Even without an extension by the Court, Plaintiff's requested extended deadline of July 12, 2024, to file her opposition has passed and she has not opposed the motion. Under the Local Civil Rules for the Central District of California, Plaintiff's failure to file timely an opposition may be deemed her consent to granting the motion. *See* C.D. Cal. L. R. 7-12 ("The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion . . ."). Moreover, Plaintiff's failure to meet filing deadlines may be deemed failure to prosecute and/or comply with Court orders.

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Alternatively, if Plaintiff files an opposition to the motion to dismiss by **July 25, 2024**, this order to show cause will be automatically discharged, and Plaintiff need not respond to it separately.

Plaintiff is cautioned that failure to file timely a response to this order to show cause or an opposition to the motion to dismiss by **July 25, 2024**, will result in a recommendation to the district judge to dismiss this case for failure to prosecute and/or comply with a court order.

IT IS SO ORDERED.

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